

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

ALCOHOLIC BEVERAGES

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9.04.010 Definitions. For the purposes of this chapter, the following terms shall be defined as follows

A. The term "alcoholic beverage" as used in this chapter shall mean intoxicating liquor or alcoholic beverage as defined by state law.

B. In this chapter a "public place" is a street, sidewalk, wharf, road, park or other publicly owned area so dedicated to public use that exclusive possession or restricted access is not and has not been exercised either during the day or night for a reasonable period of time.

9.04.020 Certain chapters of Title 4 of the Alaska Statutes adopted.

A. Title 4, Alaska Statutes, Chapter 16, Regulation of Sales and Distribution, is adopted by reference.

B. Title 4, Statutes, Chapter 21, General Provisions, is adopted by reference.

9.04.030 Consumption in public places.

A. It is unlawful for any person to consume any alcoholic beverage on any public street, alley or highway within the city limits or in or upon the grounds of any city building or property, except as permitted by ordinance, use permit or regulation.

B. It is unlawful for any person to possess any open bottle, can, or other receptacle, containing any alcoholic beverage on any public street, sidewalk or alley within the city limits or in or upon the grounds of any municipal building or property, except as permitted by ordinance, use permit or regulation.

C. The City Council is authorized to designate public areas and places within the city limits, in addition to those specified in subsection A and B of this section, in which the consumption of alcoholic beverages or possession of open alcoholic beverage containers is prohibited, and to cause signs to be posted in such areas or places advising members of the public of the prohibition.

9.04.040 Consumption in public places --exceptions.
The City Council is authorized by use permit to except any public street, alley, highway, city building or city property from Section 9.04.030.

9.04.050 Sales, etc., to certain persons prohibited.

A. No person shall sell, furnish, give or deliver any alcoholic beverage to any person:

1. who is intoxicated;
2. who is a minor and is under the age of twenty-one years;
3. to any parent, guardian or other person charged with the custody of a minor who brings the minor into a licensed establishment unless such establishment regularly serves meals.

B. The burden shall at all times be upon the licensee and his employees to determine the age and sobriety of any patron.

9.04.060 Conduct prohibited on licensed premises. No licensee or employee of a liquor establishment shall permit on the licensed premises:

A. any disorderly conduct, or action which disturbs the peace and good order of the neighborhood;

B. any resorting to known thieves, prostitutes or other disorderly persons;

C. any violation of the state law or this code or other ordinances of the city;

D. any lewd, obscene or profane language, or any lewd, obscene or immoral exhibition of entertainment or other conduct likely to corrupt the public morals;

E. any drinking, or drinks in the possession of patrons, during closing hours;

9.04.070 Hours when sales, etc. prohibited. No person may consume, sell, offer for sale, give, furnish or deliver from an authorized liquor licensee any alcoholic beverage on any licensed premises within the city between the hours of two a.m. and eight a.m. each day of the week, except as follows:

A. On Saturdays, Sundays and state legal holidays, the hour of closing shall be not later than four a.m.;

B. On Sundays, the hour of opening shall be not earlier than ten a.m.;

C. City Council may grant additional hours on motion at any time, by request.

9.04.080 Sale on election days. No person shall sell, barter, give, consume, or dispose of alcoholic beverages within licensed premises in the city on the day in which an election is held for the purpose of voting for a candidate for public office, until the polls are closed.

9.04.090 Extending credit for purchase prohibited. No licensee or employee of a licensed liquor establishment shall extend credit in any form to any person for the purchase of alcoholic beverage, except via the use of standard bank issued credit cards commonly used by the establishment for conducting retail business.

9.04.100 Possession by minors prohibited. No person under the age of twenty-one years shall attempt to purchase or otherwise secure, consume or have in his possession any alcoholic beverages.

9.04.110 Minors on premises prohibited. No person under the age of twenty-one years shall enter into or remain on the premises of a licensed establishment, unless such establishment is a restaurant that regularly serves meals.

9.04.120 Signs prohibiting presence of minors. All licensees shall cause to remain displayed upon their establishments a conspicuous sign in a prominent place visible from outside such establishment, which sign shall, in substance, state,

"No minors under the age of twenty-one years permitted. Any such minor will be prosecuted to the full extent of the law."

Signs are not required at licensed establishments regularly serving meals.

9.04.130 Civil actions by licensees against minors.
A. Actions. If a person under the age of 21 years has not been allowed to enter and remain within licensed premises in violation of AS 04.16.052(2), such person who, with criminal negligence, enters premises licensed under AS Title 4 in violation of AS 04.16.049 through a door marked by a sign described in this chapter is, in addition to any other penalty provided by law, liable in a civil action to the licensee for

both a penalty of \$1,000.00 and an award of reasonable attorney's fees that may be made to the prevailing party in a civil action under rule 82 of the Alaska Rules of Civil Procedure.

B. Signs—defense. No action may be maintained under this chapter unless the person alleged to be liable under this chapter has entered the licensed premises through a door posted with a sign stating "Warning: It is a violation of AS 04.16.049 for persons under 21 to enter these premises without a parent, adult spouse, or court appointed legal guardian. Violators will be sued and prosecuted." The lettering on the sign shall be at least one and three-fourths inches in height and the sign is to be posted so as to be clearly visible to a person approaching the door.

C. Demand prior to action. It is a condition precedent to filing an action under this chapter that the licensee or an agent of the licensee send a notice demanding the relief authorized by this chapter to the person to be sued by first class mail at such person's last known address 15 days or more before the action is commenced. It is not a condition precedent to filing an action under this chapter that the person under the age of 21 years alleged to have entered licensed premises was charged or convicted under any statute or ordinance.

9.04.140 Penalties. A violation of the provisions of this chapter is subject to the penalties set forth in Title 4, Alaska Statutes. (Ord. 411-00 §2, 2000)

Chapter 9.08

DISORDERLY CONDUCT

Sections:

- 9.08.010 Unlawful acts designated.**
- 9.08.020 Public inconvenience and creation of risk.**
- 9.08.030 Public excretion unlawful.**

9.08.010 Unlawful acts designated. No person shall and it shall be unlawful to:

- A. Engage in any illegal occupation or business;
- B. Engage in any window peeking;
- C. Beg in any street, alley or public place;
- D. Jostle or roughly crowd people unnecessarily in any street, alley or public place;
- E. Make any immoral exhibition or exposure of his person;
- F. Create a disturbance in a public place or at any lawful assembly;
- G. Commit assault and battery;
- H. Attend or frequent any place in which illegal business is permitted or conducted;
- I. Solicit a person for the purpose of committing any illegal act;
- J. Resist arrest by a police officer or assist a person in custody of a police officer to escape;
- K. Interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer without permission of the officer;
- L. Impersonate a police officer or, without authority, attempt to exercise his powers;
- M. Spit upon or otherwise mar or litter any hallways, stairways, sidewalk or steps or any public building or place of worship;
- N. Tamper with a passenger or freight elevator or to play in it or with it. (Ord. 19 (part), 1985; prior code §20.10.010)

9.08.020 Public inconvenience and creation of risk.

A. It shall be unlawful for any person with purpose and intent to cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof by:

- 1. Engaging in fighting or threatening, or in violent or tumultuous behavior;
- 2. Making unreasonable noise or offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or
- 3. Lodging in cars, grocery stores, washrooms, sheds, or other places other than such as is kept for lodging purposes,

without the permission of the owner or party entitled to possession thereof.

B. "Public" means affecting or likely to affect persons in a place to which the public or substantial group has access. Among the places included are highways, street transportation facilities, schools, prisons, apartment houses, places of business or amusement, parks or any neighborhood. (Ord. 27-70 §1, 1971)

9.08.030 Public excretion unlawful.

A. It is unlawful for any person to urinate or defecate in or on any public street, road, highway, alley, sidewalk, park or any other public place open to public view which is not a lavatory facility.

B. It is unlawful for any person to urinate or defecate in or on any hallway, lobby, elevator, meeting room, store, bar, cafe, restaurant or other privately owned public place open to public view which is not a lavatory facility.

C. Punishment for a violation of any part of this section shall be a fine not to exceed three hundred dollars. (Ord. 206-91 §1, 1991)

Chapter 9.16

GAMBLING

Sections:

- 9.16.010 Unlawful act—Conducting game.**
- 9.16.020 Unlawful act—Control of location of game.**
- 9.16.030 Unlawful act—Attending game.**
- 9.16.040 Exemption for bingo, pull-tabs, raffles and Monte Carlo events.**
- 9.16.050 Enforcement.**

9.16.010 Unlawful act—Conducting game. Each and every person who shall deal, play or carry on, open or cause to be opened, or who shall conduct either as owner, proprietor or employee, whether for hire or not, any game of chance played with cards, dice, or any device, for any valuable things, whether the same be money, checks, credit or anything representative of value within the city, shall be deemed guilty of an unlawful act. (Prior code §20.25.010(a))

9.16.020 Unlawful act—Control of location of game. Any person who owns, manages or has control of any house, boat, building, structure, room or location where gambling is carried on, or where persons are permitted to resort for the purpose of gambling shall be guilty of an unlawful act. (Prior code §20.25010(b))

9.16.030 Unlawful act—Attending game. Any person who shall attend or frequent or invite another to attend or frequent any place where gambling is permitted or any place operated or occupied as a common gambling house or room shall be guilty of an unlawful act. (Prior code §20.25.010 (c))

9.16.040 Exemption for bingo, pull-tabs, raffles and Monte Carlo events. The stipulated unlawful acts set out in Sections 9.16.010 through 9.16.030 shall not include the playing of bingo, pull-tab games, raffles and Monte Carlo events when all applicable state statutes have been complied with under Title 5, Chapter 15. (Ord. 244-92 §2, 1992; Ord. 154-90, 1989; Ord. 78-12, 1978; prior code §20.25.010(d))

9.16.050 Enforcement. All unlawful acts as defined herein shall be subject to punishment as provided by law. (Prior code §20.25.020)

Chapter 9.20

PROSTITUTION

Sections:

- 9.20.010 Definitions.**
- 9.20.020 Unlawful acts designated.**

9.20.010 Definitions. In this chapter unless the context otherwise requires:

A. "Assignment" means the making of any appointment or engagement for the purpose of prostitution, or any act in the furtherance of such appointment or engagement.

B. "House of prostitution" means a house, room, boat, trailer, automobile or established location which is customarily used for the purposes of prostitution.

C. "Prostitution" means the giving or receiving of the body by a person for sexual intercourse for hire. (Prior code §20.20.010)

9.20.020 Unlawful acts designated. It is unlawful within the city to:

A. Engage in prostitution;
B. Engage in assignment;
C. Lease, sell, set up, operate, carry on, maintain, or work in a house of prostitution;

D. Knowingly assist in the leasing, selling, setting up, keeping, carrying on, or maintaining of a house of prostitution;

E. Offer or offer to secure or solicit another for the purposes of prostitution;

F. Knowingly receive or to offer or agree to receive any person into any place, structure, building, boat, automobile, trailer or any other vehicle for the purpose of prostitution or for the person in authority on such premises to permit any person to remain for such purposes. (Prior code §20.20.020)

Chapter 9.24

ESCAPE

Sections:

9.24.010 Punishable by law.

9.24.010 Punishable by law. Whoever serving a term in the city jail escapes from the jail or from the custody of any police officer or from the constructive custody of any police officer, or who gives his word on parole that he will return to the jail or from the custody of any police officer but who fails his word shall be punished as provided by law. (Prior code §20.10.020)

Chapter 9.28

SECURITY OF PRISONERS

Sections:

9.28.010 Unlawful acts designated.

9.28.020 Fees for payment of cost of detention for detoxification.

9.28.010 Unlawful acts designated. It shall be unlawful for any unauthorized person to:

A. Have any verbal or physical contact with a prisoner confined in the city jail;

B. Loiter in the area of the city jail or in the area of the police station;

C. Fail to leave the area of the jail or police station promptly after request from a police officer. (Prior code §20.10.030)

9.28.020 Fees for payment of cost of detention for detoxification. Upon completion of detention in the jail for severe intoxication, subject shall pay to the city the full cost of guard provided for his safety during custody. Payment shall be made for the number of hours detained, multiplied by the current hourly wage of the guard hired at city expense. The director of public safety shall establish this rate of guard cost reimbursement due the city and effect its collection. (Ord. 141-88 §2, 1988)

Chapter 9.32

WEAPONS

Sections:

ARTICLE I. WEAPONS GENERALLY

9.32.010 Definitions.

9.32.020 Unlawful acts designated.

9.32.030 Violation—Penalty.

ARTICLE I. WEAPONS GENERALLY

9.32.010 Definitions. In this chapter unless the context otherwise requires:

A. "Firearm" means a weapon including a pistol, revolver, rifle, shotgun, air pistol, or air rifle, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death, physical injury, or damage to property.

B. "Possess" means having physical possession or the exercise of dominion or control over property.

C. A person is "under the influence of an intoxicating liquor or drug" when, as a result of the introduction of an intoxicating liquor or drug into his body, his physical or mental abilities are impaired so that he no longer has the ability to possess a firearm with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. (Ord. 7-6-82 (part), 1982; prior code §20.30.010)

9.32.020 Unlawful acts designated.

A. A person commits the crime or misconduct involving weapons if he:

1. Possesses on his person a firearm while under the influence of an intoxicating liquor or drug; or

2. Discharges a firearm anywhere within the corporate limits of the city without a permit as defined in Article II of this chapter.

B. This section shall not apply to any officer of the United States, the state of Alaska or the city who is authorized to use firearms in the enforcement of any law or ordinance and who is actually engaged in such enforcement. (Ord. 10-12-82 (part), 1982; Ord. 7-6-82 (part), 1982; prior code §20.30.020)

9.32.030 Violation—Penalty. A person convicted of misconduct involving weapons as defined and stated in this article may be punished by imprisonment for not more than thirty days, or by a fine of not more than three hundred dollars. (Ord. 7-6-82 (part), 1982; prior code §20.30.030)

ARTICLE II. HUNTING PERMITS

9.32.040 Issuance and use.

9.32.050 Target practice.

9.32.060 Permit violations.

9.32.070 Violation—Penalty.

9.32.080 Violation of State fish and game laws—Action.

9.32.040 Issuance and use.

A. Permit shall be issued by the department of public safety.

B. The permit shall provide that no hunting is permitted within one-half mile of any commercial or industrial structure or within one-quarter mile of the shoulder of Shot Gun Cove Road to the stream known as Second Salmon Run.

C. The permit will be issued to an adult, with minors (under the age of eighteen) under the supervision of that adult.

D. The permit will state that all fish and game regulations of the state of Alaska will be adhered to.

E. No permits shall be issued during the period between May 1 and October 1 of the year. (Ord. 264-92 §2, 1992; Ord. 12-15-83 (part), 1984; Ord. 10-12-82 (part), 1982; prior code §20.35.010(A))

9.32.050 Target practice.

A. Permit for target practice shall be issued to an adult stating the designated area and time, and the type of firearm permitted in that area.

B. Minors listed on the permit will be under the supervision of the adult issued that permit. (Ord. 12-15-83 (part), 1984: Ord. 10-12-82 (part), 1982: prior code §20.35.010(B))

9.32.060 Permit violations. Permit violations shall be as follows:

- A. Use of wrong firearm type;
- B. Wrong area;
- C. Exceeding time limit set on permit;
- D. Minors not listed on permit using that area and time;
- E. Minors listed not under direct supervision. (Ord. 12-15-83 (part), 1984: Ord. 10-12-82 (part), 1982: prior code §20.35.010(C))

9.32.070 Violation—Penalty. Punishment for violation of permit shall be as follows:

- A. Forfeit of firearm;
- B. Fine not to exceed three hundred dollars. (Ord. 12-15-83 (part), 1984: Ord. 10-12-82 (part), 1982: prior code §20.35.010(D))

9.32.080 Violation of state fish and game laws—Action. Violation of state fish and game laws will result in action by the appropriate state agency(ies). (Ord. 12-15-83 (part), 1984: Ord. 10-12-82 (part), 1982: prior code §20.35.010 (E))

Chapter 9.36

CURFEW

Sections:

9.36.010 Designated.

9.36.020 Detention authority.

9.36.030 Police powers.

9.36.010 Designated. Except as provided in this section, it shall be unlawful for any minor under the age of eighteen years to go or be abroad upon the streets or to appear in public places in the city after the hour of eleven p.m., or before the hour of five a.m. from May 15th to September 1st of any year, or after the hour of ten p.m. or before the hour of five a.m. for the balance of the year, with the exception of Fridays, Saturdays and legal holidays. On such days the restricted hours shall be from twelve midnight to five a.m. of the following day for minors under the age of eighteen. A minor who goes abroad during these restricted hours must be accompanied by a parent or other adult who is legally responsible for the care, custody and/or support of such minor, or be commissioned by said guardian or parent to perform some specific errand or duty of importance; provided, that the mayor or chief of police may suspend the effect of this section on specific evenings for special events as for school dances or winter carnival; and, provided further, children employed after curfew hours may observe such hours as are required by their work upon being given by the chief of police a permit to so do. (Prior code §20.05.010)

9.36.020 Detention authority. Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court having jurisdiction, accept the written promise of the parent, guardian or custodian of such child to be responsible for the presence of such child in the court at the time fixed. Thereupon such child may be released in the custody of the parent, guardian or custodian, or in the custody of such other person designated by the court. If not so released such child shall be taken immediately to the place of detention designated by the court, and any child detained shall be brought before the court at the earliest practicable time, but not later than forty-eight hours after such detention, Sundays and legal holidays not included. Custody of the child shall be carried out in conformance with the limitations set forth in the laws of the state. (Prior code §20.05.040)

9.36.030 Police powers. Nothing in this chapter shall be construed as forbidding any peace officer or police officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or his guardian, or from justice, or whose surroundings are such as to endanger his health, morals, or welfare, unless immediate action is taken. (Prior code §20.05.050)

Chapter 9.40

CORRUPT PRACTICES

Sections:

9.40.010 Definitions.

9.40.020 Unlawful acts designated.

9.40.030 Undue influence by force.

9.40.040 Undue influence by offer.

9.40.050 Improper subscription to petition.

9.40.010 Definitions. In this chapter unless the context otherwise requires:

A. "Accepting a bribe" means the acceptance of anything listed in subsection C of this section by any councilman, city official or city employee.

B. "Blackmail" means the threat either to accuse another of a crime, or of immoral conduct which, if true, would tend to degrade and disgrace him, or to expose or publish any of his infirmities or failings, provided that the threat is made with the intent to extort pecuniary advantage or property from him or with intent to compel him to do an act or refrain from doing an act against his will; or the threat to subject another to the ridicule or contempt of society, provided that the threat is made with the intent to extort pecuniary advantage or property from him or with intent to compel him to do an act or refrain from doing an act against his will.

C. "Bribery" means to give, offer or promise to give a gift or gratuity, or to corruptly promise to do or cause to be done an act, beneficial to a councilman, official of the city, or city employee with intent to influence the vote, opinion, decision, judgment or official conduct of the person in question concerning the city.

D. "Coercion" means the making of threats, either by verbal or written means, to any person or his property or property interests.

E. "Undue influence" means the influencing, obstructing, impeding or the attempt to influence, obstruct or impede the legislative or executive administration of the city by corruption, force, threats or by threatening letter or communication. (Prior code §6.05.010)

9.40.020 Unlawful acts designated. Coercion, bribery, accepting a bribe, undue influence, blackmail and corrupt practices are declared unlawful acts. (Prior code §6.05.020)

9.40.030 Undue influence by force. Any person who directly or indirectly uses or threatens to use force, coercion, violence or restraint or who inflicts or threatens to inflict damage, harm or loss upon or against any person to induce or compel the person to sign or not to sign any initiative or referendum petition is guilty of a corrupt practice. (Prior code §6.05.030)

9.40.040 Undue influence by offer. Any person who gives or promises to give, or offers any money or valuable thing to any person with the intent to induce him to sign or not to sign any initiative or referendum petition is guilty of a corrupt practice. The providing of refreshments of any nature by any person seeking to induce others to sign or not to sign any petition for initiative or referendum shall be within the above-stated prohibition. (Prior code §6.05.040)

9.40.050 Improper subscription to petition. Any person who signs any name other than his own to a petition proposing an initiative, referendum, or recall, or who knowingly signs his name more than once for the same proposition or question at one election, or who signs the petition knowing he is not a qualified voter, or a person circulating a petition under false pretense or misrepresentation, shall be guilty of a corrupt practice. (Prior code §6.05.050)